PART IV

Section 2-C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS.

GOVERNMENT OF MYSORE

Bangalore, dated 5th April 1967.

ORDER

S.O. 622.—WHEREAS by State Government Order No. PLM 256 LLE 65, dated 21st April 1966, the Industrial Dispute between the Workmen and the Management of Government Printing, Stationery and Publications, Government Press, Bangalore, was referred to the Additional Industrial Tribunal, Bangalore for adjudication ;

AND WHEREAS by Order No. LMA 595 LLE 65, dated 29th November 1966 the said Industrial Dispute was transferred to the Additional Industrial Tribunal, Bangalore, from the Industrial Tribunal, Bangalore.

AND WHEREAS before the Industrial Tribunal, Bangalore a complaint was made under Section 33 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), by Shriyuths T. Ramu, M. Narayana, M. Narasimha, M. Narayanappa, D. Pillappa, Puttaranga, M. Y. Muniyappa, N. Boraiah, P. Kothaiah and Y. Nanjappa, alleging that they were issued warning notices for the earned leave they availed of on 23rd April 1966.

AND WHEREAS the said Additional Industrial Tribunal, Bangalore, adjudicated upon the said complaint and submitted its award to the State Government as required under Section 15 read with Section 33 of the said Act.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947), the Government of Mysore hereby directs the publication of the said award in the *Mysore Gazette*.

[No. LMA 222 LLD 67]

By Order and in the name of the Governor of Mysore,

G. G. POROHIT,
Under Secretary to Government,
Labour and Municipal Administration Department.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE.

Dated 7th March 1967.

Present :

Sri V. C. Ramachandran, B.SCL (Lond.), Bar.-at-law.
Presiding Officer.

Complaint No. 7 of 1966 in A.I.D. No. 15 of 1966

Complainant :		*Opposite Party :*
T. Ramu, Machineman, Government Press, Bangalore.	*Vs.*	The Director of Printing and Stationery, Government Press, Government Press Buildings, Bangalore.

Complaint No. 8 of 1966 in A.I.D. No. 15 of 1966.

M. Narayana, Mono Operator, Government Press, Bangalore-1.	*Vs.*	The Director of Printing and Stationery, Government Press, Government Press Buildings, Bangalore.

Complaint No. 9 of 1966 in A.I.D. No. 15 of 1966.

M. Narasimha, Senior Machineman, Government Press, Bangalore-1.	*Vs.*	The Director of Printing and Stationery, Government Press, Government Press Buildings, Bangalore.

Complaint No. 10 of 1966 in A.I.D. No. 15 of 1966.

Complainant :		*Opposite Party :*
M. Narayanappa, Senior Machineman, Government Press, Bangalore-1.	*Vs.*	The Director of Printing and Stationery, Government Press, Government Press Buildings, Bangalore-1.

Complaint No. 11 of 1966 in A.I.D. No. 15 of 1966.

D. Pillappa, Compositor, Government Press, Bangalore-1.	*Vs.*	The Director of Printing and Stationery, Government Press, Government Press Buildings, Bangalore-1.

Complaint No. 12 *of* 1966 *in A.I.D. No.* 15 *of* 1966.

Puttaranga, Machineman, Government Press, Bangalore-1. *Vs.* The Director of Printing Stationery and Publications, Government Press, Bangalore-1.

Complaint No. 13 *of* 1966 *in A.I.D. No.* 15 *of* 1966.

M. Y. Muniyappa, Senior Compositor, Government Press, Bangalore-1. *Vs.* The Director of Printing, Stationery and Publications, Government Press, Bangalore.

Complaint No. 14 *of* 1966 *in A.I.D. No.* 15 *of* 1966.

N. Boriah, Senior Machineman, Government Press, Bangalore-1. *Vs.* The Director of Printing Stationery and Publications, Government Press, Bangalore.

Complaint No. 15 *of* 1966 *in A.I.D. No.* 15 *of* 1966.

P. Kothiah, Senior Binder, Government Press, Bangalore-1. *Vs.* The Director of Printing, Stationery and Publications, Government Press, Bangalore.

Complaint No. 16 *of* 1966 *in A.I.D. No.* 15 *of* 1966.

V. Nanjappa, Lino Operator, Government Press, Bangalore-1. *Vs.* The Director of Printing, Stationery and Publications, Government Press, Bangalore.

Appearances.

For the Complainants .. Sri S. Venkatram, Secretary, Government Press Employees' Association, Bangalore-1.

For the Opposite Party .. Sri E. S. Venkatramiah, Government Pleader, Bangalore.

Reference.

(Government Order No. PLM 256 LLE 65, dated 21st April 1966)

AWARD

All these ten complainants have filed similar complaints against the Director of Printing, Stationery and Publications, Government Press, Bangalore. The cause of action in respect of each one of the complaints is same and the questions that arise for determination are also the same. The Representative of the complainants have filed a Memo that for the sake of convenience all these complaints which are identical may be clubbed and tried together by this Tribunal. The complaints had been originally filed before the Industrial Tribunal and by the Government Order No. LMA 595 LLE 66, dated 29th November 1966 all these have been transferred to the file of this Tribunal. As all these complaints have been tried together and as common Issues have arisen in all these cases for determination, I propose to write one common Award in all these complaints and a copy of the Award will be kept in the records of each one of the ten cases.

2. The Government of Mysore had referred an Industrial Dispute between the workmen and the Management of Government Press, Bangalore, regarding working hours, over-time compensation allowance, grace time, leave benefits, etc. and that dispute is pending before this Tribunal. The complainants are working in the Government Press and are concerned with the dispute relating to the leave benefits. Their grievance is that when they had applied for one day earned leave on 23rd April 1966, the Management had not either granted or refused the leave, but subsequently after the leave was availed of, the Management granted *post facto* leave together with a warning, which according to the complainants count against them. They submit that the warning is a punishment in connection with the matter pending before the Tribunal and it has been issued to workmen concerned in the dispute and hence it is a Violation of Section 33 of the Industrial Disputes Act. They prayed that an Award be passed setting aside the order of warning as being opposed to Section 33 of the Industrial Disputes Act, or Principles of Natural Justice, etc.

3. The Management contend that the subject-matter of the complaints has no connection whatsoever with the Industrial Dispute pending before this Tribunal. On 22nd April 1966, a large number of applications had been received for grant of leave on the next day, *i.e.*, on 23rd April 1966. The complainants had also applied for leave on that day. The rules and procedure regarding the sanction of leave require that an employee has to take the approval of the sanctioning authority before utilising the leave. As the complainants did not take the sanction and stayed away from work and

absented themselves, the Management had to issue a warning as the enmasse absenteeism from the office dislocated the entire Government work. The complaints, according to the Management, are untenable and they pray that they may be dismissed.

4. The complainants in their reply reiterated that there is contravention of Section 33(1) (*a*) of the Industrial Disputes Act, as there has been alteration in the conditions of service as punishment by issuing a warning has been imposed. They reaffirmed what they have stated in the complaints and prayed for an Award as sought for.

5. The following Issues were framed by the Presiding Officer, Industrial Tribunal, Bangalore, on 3rd September 1966.

"Is the warning issued by the Opposite Party-Management legal and does it amount to as Punishment within the meaning of Sections 33 and 33-A of the Industrial Disputes Act, 1947 ?

or

As pleaded by the Opposite Party, is it only a disciplinary action taken in the routine discharge of administrative function and does not come under the provisions of Section 33 or 33-A of the Industrial Disputes Act, 1947 ?

II Has the subject of the complaint no connection with the matter concerned in I.D. No. 109 of 1966 ?

III To what relief, are the Parties entitled ?"

6. When the case came up for hearing, the learned Counsel for the Complainants was asked as to how the administering of the warning would amount to a punishment and it was stated that the warning administered would be entered into the service records of the individual complainant. The Opposite Party stated that no such entry was made in the service records of the complainants and the Opposite Party was asked to file a Memo with regard to it. The Opposite Party has now filed a Memo stating that the warning issued to various complainants have not been and will not be entered in the service registers of the complainants and as such, the complaints may be dismissed. In view of that statement, the complainants have filed memos to the effect that as the punishment will not be entered in the service registers of the complainants, the complainants withdraw their complaints and the same may be dismissed with costs.

In view of the Memos filed by both the Parties that the complaints may be dismissed, I make the following Award.—

AWARD

All the Complaints numbering from 7 to 16 of 1966 in A.I.D. No. 15 of 1966 are dismissed.

There will, however, be no order as to costs in view of the Memos filed by the respective parties.

V. C. RAMACHANDRAH,
Presiding Officer,
Additional Industrial Tribunal,
Bangalore.